

RICHARD A. LEVINE, ESQ. [SBN: 91671]
ZACHERY A. LOPES, ESQ. [SBN: 284394]
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Attorneys for Petitioner,
LOS ANGELES POLICE PROTECTIVE LEAGUE

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES**

LOS ANGELES POLICE PROTECTIVE
LEAGUE,

Petitioner,

vs.

CITY OF LOS ANGELES, a municipal
corporation; MICHEL R. MOORE, Chief of
Police, City of Los Angeles, and DOES 1
through 20, inclusive,

Respondents.

CASE NO. **18STCP03495**

DECLARATION OF RICHARD A.
LEVINE ESQ AND EXHIBITS
THERETO RE: EX PARTE NOTICE OF
APPLICATION BY PETITIONER LOS
ANGELES POLICE PROTECTIVE FOR
ALTERNATIVE WRIT OF MANDATE
AND STAY ORDER.

[Rule 3.1204, California Rules of Court,
Local Rule 3.231 (c)(e)]

[Unlimited Civil Action]

DATE: DECEMBER 31, 2018

TIME: 8:30 A.M.

DEPT: _____ [Writs and Receivers]

DECLARATION OF RICHARD A. LEVINE ESQ.

I, Richard A. Levine do declare:

1. I have personal knowledge of the facts contained herein and am competent to
testify if called upon to do so.

2. I am an attorney licensed to practice law in the State of California. I am a partner
at the law firm of Rains Lucia Stern St. Phalle & Silver, PC, attorneys for the Petitioner Los

FILED
Superior Court of California
County of Los Angeles

DEC 31 2018

Sherri A. Carter, Executive Officer/Clerk
By: *[Signature]*, Deputy
CARMEN DEL RIO

1 Angeles Police Protective League in the above-entitled matter.

2
3 3. Petitioner seeks an *ex parte* application in this case for an Alternative Writ of
4 Mandate directing Respondents City of Los Angeles and Police Chief Michel R. Moore of the
5 Los Angeles Police Department and their agents, employees and representatives to refrain from
6 retroactively enforcing or taking any steps to retroactively enforce California Senate Bill 1421,
7 enacted as Chapter 988 of the 2017-2018 Regular Session ("SB 1421"), effective January 1,
8 2019 which amends Penal Code sections 832.7 and 832.8 respecting the confidentiality of
9 peace officer personnel records.
10

11 In addition, Petitioner applies *ex parte* to this Court for a Stay Order prohibiting
12 Respondents from any retroactive enforcement or application of Senate Bill 1421 pending such
13 return and hearing on the Alternative Writ of Mandate, and until the Court otherwise directs.

14 4. On December 26, 2018, Respondent City of Los Angeles was personally served
15 the following documents at the City Clerk's office: Petition for Writ of Mandate, Alternative
16 Writ of Mandate and Stay Order, Notice of Ex Parte Application by Petitioner for Alternative
17 Writ of Mandate and Stay Order, Application for Alternative Writ of Mandate and Stay Order,
18 Declaration of Craig Lally and Exhibits thereto, Declaration of Richard Levine and Exhibits
19 thereto and Proposed Order Directing Alternative Writ of Mandate and Stay Order.
20

21 On December 26, 2018, Respondent Police Chief Michel R. Moore of the Los
22 Angeles Police Department, in care of Alicia Perez, was personally served the above-identified
23 documents. (Copies of the Proofs of Personal Service on Respondents City of Los Angeles and
24 Chief Michel R. Moore are attached hereto as Exhibits "A" and "B" respectively and made a
25 part hereof as though fully set forth.
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1 5. On December 26, 2018 at approximately 1:00 p.m., I e-mailed Julie Raffish,
2 Supervising Assistant City Attorney for Respondents City of Los Angeles and Los Angeles
3 Police Chief Michel R. Moore the following documents: Petition for Writ of Mandate,
4 Alternative Writ of Mandate and Stay Order, Notice of Ex Parte Application by Petitioner for
5 Alternative Writ of Mandate and Stay Order, Application for Alternative Writ of Mandate and
6 Stay Order, Declaration of Craig Lally and Exhibits thereto, Declaration of Richard Levine and
7 Exhibits thereto and Proposed Order Directing Alternative Writ of Mandate and Stay Order. I
8 also advised Ms. Raffish in the e-mail that I would be applying for the above ex parte relief on
9 December 31, 2018 at 8:30 a.m. in the Writs and Receiver Department in Los Angeles Superior
10 Court located at 111 North Hill Street Los Angeles California and that I would meet her in the
11 hallway outside Department 85/86 at that time so that I could advise her of the assigned
12 Courtroom. (A copy of the December 26, 2018 e-mail to Ms. Raffish is attached hereto as
13 Exhibit "C" and made a part hereof as though fully set forth.

14 6. Ms. Raffish advised me by an e-mail reply on December 26, 2018 at
15 approximately 4:10 p.m. that Wayne Song, Assistant City Attorney for the City of Los Angeles
16 would be appearing at the above hearing. (Exhibit "C") Mr. Song's office is located at 200 N.
17 Main Street, City Hall East, Room 800 Los Angeles, California 90012. His phone number is
18 (213) 978-8380. On December 27, 2018 at approximately 4:15 p.m., I called Mr. Song's office
19 and left a telephonic message for him to contact me to discuss this matter. As of the time of this
20 Declaration, Mr. Song has not returned my phone call.

21 6. My office address is Rains Lucia Stern St. Phalle & Silver PC 1428 Second
22 Street, Suite 200, Santa Monica, CA. 90401. My office telephone number is (310) 393-1486.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct to the best of my knowledge and was executed on this 28 day of
25 December 2018 at Santa Monica, California.

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27
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Richard A. Levine Esq.

COPY

POS-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Richard A. Levine, Esq. (CSB #91671) Zachery A. Lopes, Esq. [SBN 284394] / Brian P. Ross [SBN 23991] Rains Lucia Stern St. Phalle & Silver, P.C. 1428 2nd Street, Suite 200 Santa Monica, CA 90401 TELEPHONE NO.: 310-393-1486 FAX NO. (Optional): 310-395-5801 E-MAIL ADDRESS (Optional): rlevine@rlslawyers.com ATTORNEY FOR (Name): Petitioner, Los Angeles Police Protective League		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse - Central District		
PETITIONER/PLAINTIFF: Los Angeles Police Protective League RESPONDENT/DEFENDANT: City of Los Angeles, etc., et al.		
PROOF OF PERSONAL SERVICE—CIVIL		
		CASE NUMBER:

(Do not use this Proof of Service to show service of a Summons and Complaint.)

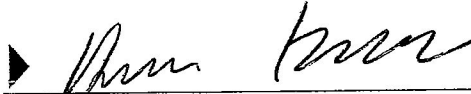
1. I am over 18 years of age and **not** a party to this action.
2. I served the following **documents** (specify):
 1. Petition for Writ of Mandate, Alternative Writ of Mandate and Stay Order
 2. Notice of Ex Parte Application by Petitioner for Alternative Writ of Mandate and Stay Order
 3. Application for Alternative Writ of Mandate and Stay Order
 4. Declaration of Craig Lally and Exhibits thereto☒ The documents are listed in the *Attachment to Proof of Personal Service—Civil (Documents Served)* (form POS-020(D)).
3. I personally served the following **persons** at the address, date, and time stated:
 - a. Name: City of Los Angeles c/o Carolina Peters Los Angeles City Clerk's Office
 - b. Address: 200 N. Spring Street, #395, Los Angeles, CA 90012
 - c. Date: December 26, 2018
 - d. Time: 1:18 p.m.☐ The persons are listed in the *Attachment to Proof of Personal Service—Civil (Persons Served)* (form POS-020(P)).
4. I am
 - a. ☒ not a registered California process server.
 - b. ☐ a registered California process server.
 - c. ☐ an employee or independent contractor of a registered California process server.
 - d. ☐ exempt from registration under Business & Professions Code section 22350(b).
5. My name, address, telephone number, and, if applicable, county of registration and number are (specify):

Arutyun "Harry" Teroganesyan
ACTION COURIER
1311 North Highland Avenue
Los Angeles, CA 90028
6. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7. ☐ I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date: December 26, 2018

Arutyun Teroganesyan

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)

► 

(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

CASE NUMBER:

(This Attachment is for use with form POS-020)

The documents that were personally served are as follows (describe each document specifically):

5. Declaration of Richard Levine and Exhibits thereto
6. Proposed Order Directing Alternative Writ of Mandate and Stay Order

01/03/15

COPY

POS-020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Richard A. Levine, Esq. (CSB #91671) Zachery A. Lopes, Esq. [SBN 284394] / Brian P. Ross [SBN 23991] Rains Lucia Stern St. Phalle & Silver, P.C. 1428 2nd Street, Suite 200 Santa Monica, CA 90401 TELEPHONE NO.: 310-393-1486 FAX NO. (Optional): 310-395-5801 E-MAIL ADDRESS (Optional): rlevine@rlslawyers.com ATTORNEY FOR (Name): Petitioner, Los Angeles Police Protective League		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse - Central District		
PETITIONER/PLAINTIFF: Los Angeles Police Protective League RESPONDENT/DEFENDANT: City of Los Angeles, etc., et al.		
PROOF OF PERSONAL SERVICE—CIVIL		CASE NUMBER:

(Do not use this Proof of Service to show service of a Summons and Complaint.)

1. I am over 18 years of age and not a party to this action.
2. I served the following documents (specify):
 1. Petition for Writ of Mandate, Alternative Writ of Mandate and Stay Order
 2. Notice of Ex Parte Application by Petitioner for Alternative Writ of Mandate and Stay Order
 3. Application for Alternative Writ of Mandate and Stay Order
 4. Declaration of Craig Lally and Exhibits thereto☒ The documents are listed in the Attachment to Proof of Personal Service—Civil (Documents Served) (form POS-020(D)).
3. I personally served the following persons at the address, date, and time stated:
 - a. Name: Chief Michel R. Moore, Los Angeles Police Department c/o Alicia Perez
 - b. Address: 100 W. 1st Street, Los Angeles, CA 90012
 - c. Date: December 26, 2018
 - d. Time: 1:50 p.m.☐ The persons are listed in the Attachment to Proof of Personal Service—Civil (Persons Served) (form POS-020(P)).
4. I am
 - a. ☒ not a registered California process server.
 - b. ☐ a registered California process server.
 - c. ☐ an employee or independent contractor of a registered California process server.
 - d. ☐ exempt from registration under Business & Professions Code section 22350(b).
5. My name, address, telephone number, and, if applicable, county of registration and number are (specify):

Arutyun "Harry" Teroganesyan
ACTION COURIER
1311 North Highland Avenue
Los Angeles, CA 90028
6. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
7. ☐ I am a California sheriff or marshal and certify that the foregoing is true and correct.

Date: December 26, 2018

Arutyun Teroganesyan

(TYPE OR PRINT NAME OF PERSON WHO SERVED THE PAPERS)



(SIGNATURE OF PERSON WHO SERVED THE PAPERS)

EXHIBIT B

01/02/19

CASE NUMBER:

(This Attachment is for use with form POS-020)

The documents that were personally served are as follows (describe each document specifically):

5. Declaration of Richard Levine and Exhibits thereto
6. Proposed Order Directing Alternative Writ of Mandate and Stay Order

[illegible]

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📧 Reply all | ▼ 🗑 Delete Junk | ▼ ...

Re: LAPPL v. City of Los Angeles et al. Petition for Writ of Mandate etc regarding SB 1421



Julie Raffish <julie.raffish@lacity.org>

Wed 12/26, 4:10 PM

Richard Levine ✉

📧 Reply all | ▼

Inbox

Thank you, Mr. Levine.

We will review the papers. ACA Wayne Song will be appearing Monday morning.

Feel free to contact him at (213) 978-8380.

Thank you,

Julie

On Wed, Dec 26, 2018 at 1:06 PM Richard Levine <rlevine@rlslawyers.com> wrote:

Ms. Raffish:

Please find attached the following pleadings on behalf of Petitioner Los Angeles Police Protective League which will be served today by our process server upon the Respondents City of Los Angeles and Police Chief Moore :

1. Petition for Writ of Mandate, Alternative Writ of Mandate and Stay Order
2. Notice of Ex Parte Application by Petitioner for Alternative Writ of Mandate and Stay Order
3. Application for Alternative Writ of Mandate and Stay Order
4. Declaration of Craig Lally and Exhibits thereto
5. Declaration of Richard Levine and Exhibits thereto
6. Proposed Order Directing Alternative Writ of Mandate and Stay Order

I will be applying for the above ex parte relief in Los Angeles Superior Court on Monday, December 31, 2018 at 8:30 a.m. in the Writs and Receivers Department located at 111 North Hill Street, Los Angeles CA. Please advise me by tomorrow, December 27, 2018 if Respondents City of Los Angeles/Police Chief Moore will be opposing our application for ex parte relief in this matter.

EXHIBIT C

✉ Reply all | ▼ 🗑 Delete Junk | ▼ ...

opposing this ex parte application, please meet me in the hallway prior to 8:30 a.m outside Depts 85/86 so I can advise you of the assigned courtroom.

Lastly, can you please provide me your office telephone number?

Regards,
Richard Levine

Richard Levine
Attorney at Law
RAINS LUCIA STERN
ST. PHALLE & SILVER, PC
1428 2nd Street, Suite 200
Santa Monica, CA 90401
310.393.1486 Phone
310.393.5801 Fax
www.RLSlawyers.com

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Julie S. Raffish
Supervising Assistant City Attorney
Los Angeles City Attorney's Office
Public Safety General Counsel Division
(213) 978-8388
(213) 978-8787 Fax

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